

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

DAVID HALL CRUM,

Petitioner,

v.

CIVIL ACTION NO. 5:20-cv-00655

WARDEN D.L. YOUNG, *et al.*,

Respondent.

ORDER

Pending are Petitioner's Application to Proceed *in Forma Pauperis* [Docs. 1, 7]; Motion for Temporary Injunction [Doc. 11]; and Amended Complaint [Doc. 10]. This action was previously referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Aboulhosn filed his PF&R on May 18, 2021. Magistrate Judge Aboulhosn recommended that the Court deny Petitioner's Motion to Proceed *in Forma Pauperis*, deny his Motion for Temporary Injunction, dismiss his Amended Complaint, and remove the matter from the Court's docket.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*"") (emphasis added). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also* *United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (parties may not typically "appeal a magistrate judge's

findings that were not objected to below, as § 636(b) doesn't require de novo review absent objection."); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on June 4, 2021. No specific objections were filed. Inasmuch as Petitioner filed a general objection in "opposition and total rejection," which failed to direct the Court to any specific error in the PF&R, the Court finds the objection to be without merit.

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 21**], **DENIES** Petitioner's Application to Proceed *in Forma Pauperis* [**Docs. 1, 7**], **DENIES** Petitioner's Motion for Temporary Injunction [**Doc. 11**], **DISMISSES** Petitioner's Amended Complaint [**Docs. 10**], and **DISMISSES** the matter.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTERED: August 9, 2021




Frank W. Volk
United States District Judge